UNITED STATES PATENT AND TRADEMARK OFFICE

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patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 09/440,692
Filing Date: November 16, 1999
Appellant(s): MOTOYAMA ET AL.

James J. Kulbaski
Reg. No. 34,648
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed November 21, 2006 appealing from the Office

action mailed December 15, 2004.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

This appeal involves claims 1, 3-9, 11-17, 19-25, and 27-32.

(4) Status of Amendments

The appellant's statement of the status of amendments rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

A copy of the appealed claims 1, 3-9, 11-17, 19-25, and 27-32 appears on pages in the Appendix to the appellant's brief is correct.

(8) Evidence Relied Upon

| 6,003,070 | FRANTZ et al. | 12-1999 |

| 6,008,717 | REED et al. | 07-2000 |
| 5,819,110 | MOTOYAMA | 10-1998 |

(9) Grounds of Rejection

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 1, 5-9, 13-17, 21-25, and 31-32 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Frantz (U. S. Patent 6,003,070) and further in view of Reed et al. (U. S. Patent

6,008,717).

6.   Regarding claims 1, and 17 Frantz teaches and describes a system (Fig1-3) of tracking

device(s) activities that consist of monitoring, tracking, and writing device operational

characteristics in a log file, comprising:

- a device comprising an interface [Fig.1 Item 10], the interface comprising a plurality of

operations [activation criteria] to be selected by a user (col. 4 line 10 to line 30, and col.5 line 3-

13);

- a monitoring device [Fig.2 Item 31] configured to monitor data of selecting of the

plurality of operations of the interface by the user, and to encode and store the monitored data

into a log-file [Fig.2 Item 32] in the device [Fig.2 Item 30] (col.6 line 1 to line 11);

- a communicating device [Fig.1 Item 16] configured to receive the log file of the

monitored data, to decode the stored encoded log file, to create a message of the monitored data

[Fig.1 Item 25,and 11], and to then communicate the message of the monitored data [Fig.1 Item

11, 21, and 12] (col.4 line 32 to line 42, col.5 line 28 to line 39, and col.6 line 12 to line 20);

-wherein the monitoring device includes a control [Alert mode] to automatically start the

monitoring without an input from a device to which the message of the monitored data is to be

communicated (col.5 line 32 to line 39, and col.5 line 3 to line 13); and

wherein the communication device includes a control [Alert mode] to automatically

communicate the message of the monitored data by a unidirectional communication without

requiring input from the device to which the message of the monitored data is to be

communicated (col.5 line 32 to line 39, and col.5 line 3 to line 13, and col.6line 12 to line 20).

Although the system disclosed by Frantz shows all the features of the claimed limitation,

but it does not specifically disclose the *encode/decode* of monitored data into a log-file.

In an analogous art, Reed, on the other hand, discloses computing environment for generating a

parameterized [such as key/value pair] log file entries, and performing *translation, encryption or*

format conversion as required based on, the monitored data value(s) of device [encoding], and

stored values in the log file [decoding] when reading that log file (col.107 line 7 to line 56).

It would have been obvious to one skilled in the art at the time of invention was made to

combine the teachings of Frantz and Reed, because Reed's method of encoding/decoding of

monitored data by using parameterized and key/value pair would provide structure, security, and streamline the log entries [such as format changing] of Frantz's system for storing in database, and specially sorting and searching during analysis of monitored data.

7.   Claims 9, and 25 are rejected for the same reason as to claims 1, and 17 above. In addition, means, and a program product including a computer readable medium embodying program instructions for causing a system to perform the claimed method steps, is inherent in the system of Frantz and Reed.

8.   Claims 3-4, 11-12, 19-20, and 27-28 are rejected under 35 U.S.C.103 (a) as being unpatentable over Frantz (U. S. Patent 6,003,070) and further in view of Motoyama (U. S. Patent 5,819,110).

9.   Claims 3-4, 11-12, 19-20, and 27-28 are rejected applied as above in rejecting Claims 1, 9, 17, and 25. Furthermore, the system disclosed by Frantz teaches a smart Internet interface for device status reporting and control, wherein

        - the device is an image forming device [business machines such as photocopier, printer] and the interface is an operation panel of the image forming device; and the device is an appliance [home-type appliances] and the interface is an operation panel of the appliance (col.2 line 15 to line 31).

        Frantz does not explicitly disclose an operational [electronic] panel (i.e. display) of device(s) where information received and controlled by the interface is displayed.

Motoyama teaches and describes a system and method of collecting operational data of business devices and transmitting those data to remote center. The business devices of this system also have enhanced electronic component, such as integral digital display attached to devices [copier/printers, appliances or business machines] (Fig.5 Item 174, 272, col.8 line 44 to 53).

Therefore, it would have been obvious to one skilled in the art at the time of invention was made to combine the teachings of Frantz and Motoyama, because Motoyama system of intelligent devices, such as business machines, or appliances with a digital panel to display the operational information of devices would make interface action of Frantz's system devices visible during operation and provide ability to select interface options manually when required.

9.   Claims 5-8, 13-16, 21-24, and 29-32 are rejected applied as above in rejecting Claims 1, 9, 17, and 25. Furthermore, the system of Frantz, and Reed teaches and describes that particularly relates to a client side status reporting, usage, control, monitoring and processing by recording device interaction with application interface software in a network environment, comprising:

        - the communicating device sends the log of the monitored data when the user exits the device (Frantz: col.4 line 32 line 52);

        - a setting unit [Fig.2 Item 25] configured to set a number of sessions of the device to be executed by the user prior to the communicating device communicating the log file of the monitored data (col. 4 line 56 to col.5line 12)

- the monitoring device [Frantz: Fig.2 Item 31] encodes the monitored data into the log

file and the communicating device [Frantz: Fig.1 Item 16] decodes the monitored data from the

log file by defining the encoding and decoding objects as abstract classes and defining derived

classes to include encoding and decoding algorithms (Reed: col.107 line 7 to line 56).

- the communicating device communicates the log of the monitored data by Internet mail

(Frantz: col.4 line 31 to line 36).

(10) Response to Argument

A: Independent Claims 1, 9, 17, and 25

1:      The Appellant has indicated that each of independent claims 1, 9, 17, and 25,

and thereby the claims dependent therefrom, requires "a device comprising an interface, the

interface comprising a plurality of operations to be selected by a user", and also requires either a

monitoring device or a monitoring operation to "monitor data of selecting of the plurality of

operations of the interface by the user" The Appellant has indicated that the interface 10 shown

in Figure 1 in Frantz is not directed to a type of interface, such as operation panel of an image

forming device. More particularly, that interface 10 does not have any operations selected by a

user that are monitored.

The examiner respectfully disagrees. Frantz clearly teaches of an interface device

[Fig.1 Item 10], which could be integral or attached to the equipment. The equipment includes

any type of equipment that requires monitoring and/or maintenance. These types of equipment

may include, but are not limited by, the following: a computer, a printer, a vehicle, a personal

monitoring system that monitors the health and/or location of a person and a building

environmental control system. Frantz also teaches of a monitoring device [Fig.2, Item 30-31]

configured to monitor data of selecting of the plurality of operations [Fig.2, command and

control functionality, Item 31] of the interface by the user [Fig.2 Item 30] (col.6 line 1 to line

11). Frantz's interface comprises a plurality of operations [activation criteria] to be selected by a

user to allow remote query and maintenance of the equipment. This interface allows maintenance

personnel to query the equipment from a remote location, run/execute tests, view the results of

the tests, empty the error buffer to view past problem occurrences over time, and perform other

functions to try to correct and repair the equipment. The interface provides remote user to select

and perform routine maintenance type function such as changing the configuration or

enabling/disabling certain functionalities of the equipment user (col. 4 line 10 to line 30, and

col.5 line 3-13, and col.3 line 10 to line 20, col.6 line 1 to line 11).

For these reasons, it is believed that the teachings of system of Frantz and Reed

teaches the applicant's language of claims 1, 9, 17, 25.

B. Dependent Claims 3-8, 11-16, 19-24, and 27-32

1:    As per claim 3-4, 11-12, 19-20, and 27-28

It is argued by the Appellant that no combination of teachings of Frantz in

view of Motoyama address the features "target application is an image forming device and the

interface is an operation panel of the image forming device", and "the device is an appliance and

the interface is an operation panel of the apparatus".

The examiner respectfully disagrees. First examiner would like to point

out that the appellant argues limitations which are not claimed, in response to Appellant's

argument that the references fail to show certain features of applicant's invention, it is noted that

the features upon which applicant relies (i.e. "target application") are not recited in the rejected

claim(s). Although the claims are interpreted in light of the specification, limitations from the

specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26

USPQ2d 1057 (Fed. Cir. 1993).

Furthermore, Frantz and Motoyama clearly teaches an Internet interface

for device status reporting and control [Fig.1 Item 10], this device may be an image forming

device such as business machines (photocopier, printer etc) (Frantz: col.2 line 15 to line 31), and

the interface [Frantz: Fig.1 Item 10] is an operation panel (i.e. display) (Motoyama Fig.5 Item

174, 272, col.8 line 44 to 53) of the image forming device. This device can be an appliance such

as any type of equipment that requires monitoring and/or maintenance e.g. home-type appliance

such as a refrigerator or washing machine, a weather alert

system, a lighting system, a computer, a printer, and the interface [Frantz: Fig.1 Item 10] can be

an operation panel of these appliance and equipments (Frantz: col.2 line 15 to line 31).

Regarding Appellant argument that in the statement for the rejection for

dependent claim, for example 3, and 4, the reference of Reed was not cited, therefore, rejection

does not overcome the deficiencies in Frantz with respect to independent claims.

The examiner respectfully disagrees. Although examiner acknowledges an

honest typing mistake in the statement of rejection, but specifically assert that the deficiencies in

Frantz that appellant was arguing, such as *encode/decode* of monitored data into a log-file, is

completely taught and disclosed by Reed and explicitly discussed and mentioned when rejecting

the independent claims before rejecting the dependent claims, such as claims 3, and 4. Please

refer the rejection of claims 1, 9, 17, and 25 included above.

Appellant further argued that "in no respect does Frantz teach or suggest

that the interface device monitors actual selections on the interface device by a user".

The examiner respectfully disagrees. The appellant argues limitations that

which are not claimed, in response to Appellant's argument that the references fail to show

certain features of applicant's invention, it is noted that the features upon which applicant relies

(i.e. monitors actual selections by the user) are not recited in the rejected claim(s). Although the

claims are interpreted in light of the specification, limitations from the specification are not read

into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

For these reasons, it is believed that the teachings of system of Frantz and Reed

teaches the applicant's language of claims 3-4, 11-12, 19-20, and 27-28.

2:      As per dependent claim 5, 13, 21, and 29

It is argued by the Appellant that teaching of Frantz in view of Reed does

not address the features of " communicating device sends the log of the monitored data when the

user exits the target application".

The examiner respectfully disagrees. The appellant argues limitations that which are not claimed, in response to Appellant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e. the target application) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The examiner would also like to point out that Frantz and Rees teaches an interface functionality which is integral to the equipment 30 and has an internal error log 32 and an internal command and control functionality 31. Normally, the command and control functionality 31 interface to a terminal 18. The error log 32, through command and control functionality 31, would interface to the line printer 19. This also includes a controller 33, either in hardware and/or software, with the equipment 30. The controller 33 receives information from the error log 32 via the functionality 31, and can receive and send information to the command and control functionality 31 (Frantz: col.4 line 32 line 52, and col.5 line 3 to col.6 line 20).

For these reasons, it is believed that the teachings of system of Frantz and Reed teaches the applicant's language of claims 5, 13, 21, and 29

3:    As per dependent claim 6, 14, 22, and 30

It is argued by the Appellant that teaching of Frantz in view of Reed does not address the features of " communicating device sends the log of the monitored data when the user exits the target application".

The examiner respectfully disagrees. The appellant argues limitations that which are not claimed, in response to Appellant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e. the target application) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Examiner would also like to point out that, Frantz and Reed teaches and describes a system that particularly relates to a client side status reporting, usage, control, monitoring and processing by recording device interaction with application interface software in a network environment. In that system the communicating device sends the log of the monitored data when the user exits the device (Frantz: col.4 line 32 line 52) based on activation criteria. Specifically, the activation criteria can be set to an alert mode, wherein emergency system messages, such as critical error messages would be sent. The activation criteria can be set to a maintenance/repair mode where every system message, including interrupts, register contents, memory mapping, memory contents, software descriptions, configuration settings, error log contents, and any other data useful information about the status of the equipment that would be used by a technician in repairing, updating, monitoring, or performing routine maintenance on the equipment is sent via remote communication (col.5 line 3 to lone 12).

For these reasons, it is believed that the teachings of system of Frantz and Reed teaches the applicant's language of claims 6, 14, 22, and 30.

4:    As per dependent claim 7, 15, 23, and 31

Appellant argued that above-noted rejection does not even address the features of "monitoring device encodes the monitored data into the log file and the communicating device decodes the monitored data from the log file by defining the encoding and decoding objects as abstract classes and defining derived classes to include encoding and decoding algorithms".

The examiner respectfully disagrees. Regarding this argument, Frantz and Reed teaches an Internet interface for device status reporting and control with enhanced security to access the system. Frantz's interface allows various levels of security, via encryption and authentication techniques, so that different technicians are allowed to perform different functions. This provides increased security by restricting the number of callers that can access the system and perform certain functions. While Reed, on the other hand, discloses generating a parameterized [such as key/value pair] log file entries, and performing *translation, encryption or format conversion* as required based on, the monitored data value(s) of device [encoding], and stored values in the log file [decoding] when reading that log file (col.107 line 7 to line 56). Reed uses a standard object-oriented notational format to illustrate an embodiment of object classes in a single database 100 of the present invention. As shown in the global preferences object class 103, each object class includes three parts: an identifier 103A, an attribute section 103B, and a method section 103C. The method section 103C is used to perform operations on the attributes of the class (Reed: Fig.3).

For these reasons, it is believed that the teachings of system of Frantz and Reed teaches the applicant's language of claims 7, 15, 23, and 31.

(11) Related Proceedings Appendix

No decision rendered by a court of the Board is identified by the examiner in the Related

Appeals and Interferences section of the examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Syed A. Zia (Primary Examiner AU 2131)

Conferees:

Matthew Smithers (Primary Examiner AU 2137)

Gilberto Barron Jr. (SPE AU 2132)